

Remarks:

Applicant has studied the Office Action dated January 25, 2005, and has amended the application to distinctively claim the subject matter of the invention.

Claims 1-18 are pending in the application. Among the claims, claims 1-10 are rejected under 35 U.S.C. § 103(a). Claims 10-18 are rejected under 35 U.S.C. § 112. Furthermore, claims 3, 5-9, 12 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant has amended the claims as follows to more distinctly claim the subject matter of the invention. No new matter has been added. Support for the amendments is found within the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

**Objections to Claims:**

By the virtue of this amendment the Applicant has amended claim 1 to replace the term “data interleaving” with the term “data de-inteleaving” as suggested by the Examiner. Accordingly, it is respectfully submitted that the objection to the claim should be withdrawn.

**§112 Rejection(s):**

Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph and are further objected to as being duplicate claims. By the virtue of this amendment claims 10-18 are cancelled, thus this issue is now moot.

**§103 Rejection(s):**

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson (US Patent 6,788,710), further in view of Fimoff (Application No. 10/840,541) and the admitted prior art. In addition, claims 2, 4, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson, Fimoff, and the admitted prior art, further in view of Ikeda (US Patent 6,118,825).

Upon comparing the priority dates of Fimoff and the present application, Fimoff is a 103/102(e) reference. Particularly, Fimoff is a pending US application which was published on October 21, 2004 after the priority date of the present application which is April 20, 2001. The publication date of Fimoff also post-dates the US filing date of the present application, which is November 16, 2001.

Applicant's records show that the rights to Application No. 10/840,541 (i.e., Fimoff) were assigned to Zenith and that Zenith has been wholly owned (100%) by the Applicant as of November 1999. Therefore, the Applicant believes that Fimoff is disqualified as prior art against the claimed invention under 35 U.S.C. 103(c). The following is a statement submitted as evidence to establish common ownership pursuant to MPEP 706.02(l)(2). This statement alone is sufficient evidence to meet the disqualification requirements under 35 U.S.C. 103(c)(See MPEP page 700-55).

**Evidence to establish common ownership pursuant to MPEP 706.02(l)(2)**

Patent Application No. 09/991,439 (the present application) and Patent Application No. 10/840,541 (Fimoff) were, at the time, the invention of Patent Application No. 09/991,439 (the present application) was made, owned by Zenith a whole subsidiary of the Applicant, LG Electronics, Inc. Where a parent company owns 100% of a subsidiary, inventions of the subsidiary are commonly owned by the parent company. (See MPEP 706.02(l)(2), page 700-53, particularly Example 1).

For the above reasons, Fimoff is disqualified as prior art and all rejections pertaining thereto should be withdrawn. Exclusion of Fimoff from the combination of references cited by the Examiner will leave the rejection defective. The remaining cited references (i.e., Knutson and Ikeda), either alone or in combination, fail to teach or suggest the elements of claim 1 or claims 2-9 depending therefrom, as admitted by the Examiner. Therefore, claims 1-9 as amended should be in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,  
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